

COPY

PATENT
Docket No. 1035/203

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this paper or fee is being deposited with the United States Postal Service as "FIRST CLASS MAIL" in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on July 15, 2002.


Julie Nguyen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Muto, et al.

Serial No.: 10/056,860

Filing Date: January 23, 2002

Title: FLAT PANEL SPEAKER

Examiner: Not Yet Assigned

Group Art Unit: 2643

**DECLARATION BY ASSIGNEE REGARDING
NON-COOPERATIVE INVENTORS**

WHEREAS, I, Kenneth Braskamp, President of DIGITAL SONICS, LLC, a California Company, having a place of business at 511-F Fifth Street, San Fernando, California, 90004, declare the following:

1. DIGITAL SONICS, LLC, acquired from the inventors the entire right, title and interest, for the territory of the United States of America and throughout the world, including any and all foreign rights and Convention priority rights, in and to the invention disclosed in the U.S. Provisional Patent Application, entitled FLAT PANEL SPEAKER, filed on July 23, 1999, Application No. 60/145,368 ("Invention"), and assignees' obligations to execute any and all domestic and foreign patent applications describing and claiming said invention without further consideration, and in conjunction therewith to execute any and

- all further assignments or other documents which may be required for filing under the International Convention or for recording in Patent Offices throughout the world.
2. The inventors, including Richard Guy, Keiko Muto, and Mayuki Yanagawa, each executed a written assignment assigning the Invention to DIGITAL SONICS, LLC, on September 21, 1999. Enclosed are copies of the conveyances of Keiko Muto and Mayuki Yanagawa. The assignments were recorded at the U.S. Patent and Trademark Office on July 24, 2000, at Reel No. 010989, Frame No. 0295.
 3. Even though they are contractually obligated, the inventors Keiko Muto and Mayuki Yanagawa subsequently indicated that they would refuse to cooperate with DIGITAL SONICS, LLC, to execute formal documents in connection with filing of patent applications.
 4. Since then, DIGITAL SONICS, LLC had no choice but to file and prosecute patent applications without the cooperation of inventors Keiko Muto and Mayuki Yanagawa.
 5. In connection with the filing of a counterpart PCT application (No. PCT/US00/40475; filed July 24, 2000), which claims the invention disclosed in and claims the priority of said Provisional Application No. 60/145,368, DIGITAL SONICS, LLC had to sign a Statement By Assignee Regarding Non-Cooperative Inventors, which was filed with the Patent Office in connection with said PCT application.
 6. The present patent application is a continuation-in-part of said PCT application, including subject matter disclosed and claimed in said PCT application attributed to inventors Keiko Muto and Mayuki Yanagawa, and newly disclosed and claimed subject matter not attributed to the inventors Keiko Muto and Mayuki Yanagawa. Inventors Keiko Muto and Mayuki Yanagawa would not be cooperating with DIGITAL SONICS LLC to

execute the inventor declarations (naming additional inventors for the new subject matter) for the present continuation-in-part application.

7. Keiko Muto and Mayuki Yanagawa, two of the inventors of the Invention, have been compensated for their invention through DIGITAL SONICS, LLC.
8. DIGITAL SONICS, LLC, has paid all patent procurement expenses with regard to the Invention.
9. DIGITAL SONICS, LLC, considers the Invention to be of great importance to its business.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed on this 16 day of April, 2002 at Los Angeles, California.


Kenneth Braskamp
President of DIGITAL SONICS, LLC

ASSIGNMENT

WHEREAS, I, KEIKO MUTO located at 11059 Mc Cormick St. #K, N. Hollywood, California 91601, Assignor, the inventor listed in United States Patent Application No. 60/145,368, dated July 23rd, 1999, 1999, on an invention in an audio speaker; and

WHEREAS, Digital Sonics, LLC, Assignee, is desirous of acquiring the entire and exclusive right, title and interest therein;

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and other good and valuable consideration, Assignor, by these presents does hereby sell, assign and transfer unto Assignee, the entire right, title and interest, for the territory of the United States of America and throughout the world, including any and all foreign rights and Convention priority rights, in and to the said invention and Patent Application No. 60/145,368, to be held and enjoyed by Assignee, for its own use and behoof and for its successors and assigns to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by Assignor, had this assignment and sale not been made; and Assignor further hereby agrees upon presentation to execute any and all domestic and foreign patent applications describing and claiming said invention without further consideration, and in conjunction therewith to execute any and all further assignments or other documents which may be required for filing under the International Convention or for recording in Patent Offices throughout the world.

DATED: The 21st day of September, 1999.

Keiko Muto, ASSIGNOR

Kenneth Braskamp, Witness

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On this _____ day of September, before me, _____, a Notary Public in and for said county and state, personally appeared _____, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public in and for said
County and State

35506/KM/D389

State of California

)
) ss.

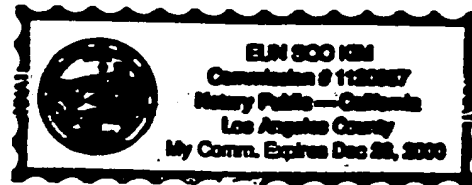
County of Los Angeles

On September 21, 1999, before me, the undersigned, a notary public for the state, personally appeared Kenneth Braskamp, personally known to me (or proved to me on the oath of Russell M. Frandsen, who is personally known to me) to be the person whose name is subscribed to the within instrument, as a witness thereto, who, being by me duly sworn, deposed and said that he/she was present and saw KEIKO MUTO, the same person(s) described in and whose name(s) is are subscribed to the within and annexed instrument in his/her/their authorized capacity(ies) as (a) party(ies) thereto, execute the same, and that said affiant subscribed his/her name to the within instrument as a witness at the request of KEIKO MUTO.

Witness my hand and official seal.

(Seal)

Signature



ASSIGNMENT

WHEREAS, I, Mayuki Yanagawa located at 11059 McCormick St. #4, N. Hollywood, California 91601, Assignor, the inventor listed in United States Patent Application No. 60/145,368, dated July 23, 1999, on an invention in an audio speaker; and

WHEREAS, Digital Sonics, LLC, Assignee, is desirous of acquiring the entire and exclusive right, title and interest therein;

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and other good and valuable consideration, Assignor, by these presents does hereby sell, assign and transfer unto Assignee, the entire right, title and interest, for the territory of the United States of America and throughout the world, including any and all foreign rights and Convention priority rights, in and to the said invention and Patent Application No. 60/145,368, to be held and enjoyed by Assignee, for its own use and behoof and for its successors and assigns to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by Assignor, had this assignment and sale not been made; and Assignor further hereby agrees upon presentation to execute any and all domestic and foreign patent applications describing and claiming said invention without further consideration, and in conjunction therewith to execute any and all further assignments or other documents which may be required for filing under the International Convention or for recording in Patent Offices throughout the world.

DATED: The 21st day of September, 1999.

M. Yanagawa, ASSIGNOR

Kenneth Braskamp

STATE OF CALIFORNIA)

) ss.

COUNTY OF LOS ANGELES)

Kenneth Braskamp, witness

On this ____ day of September, before me, _____, a Notary Public in and for said county and state, personally appeared _____, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public in and for said
County and State

State of California

)
) ss.

County of Los Angeles

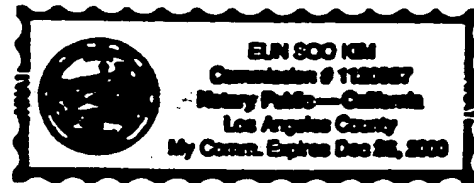
)

On September 21, 1999, before me, the undersigned, a notary public for the state, personally appeared Kenneth Braskamp, personally known to me (or proved to me on the oath of Russell M. Frandsen, who is personally known to me) to be the person whose name is subscribed to the within instrument, as a witness thereto, who, being by me duly sworn, deposed and said that he/she was present and saw MAYUKI YANAGAWA, the same person(s) described in and whose name(s) is/are subscribed to the within and annexed instrument in his/her/their authorized capacity(ies) as (a) party(ies) thereto, execute the same, and that said affiant subscribed his/her name to the within instrument as a witness at the request of MAYUKI YANAGAWA.

Witness my hand and official seal.

(Seal)

Signature





DAF
[Signature]

PATENT
Docket No.: 1035/203

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Wen Liu

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Muto, et al.

Serial No.: 10/056,860

Filing Date: January 23, 2002

Title: FLAT PANEL SPEAKER

Examiner: Not Yet Assigned

Group Art Unit: 2643

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OFFICE OF PETITIONS

TRANSMITTAL LETTER FOR MISSING PARTS OF APPLICATION

BOX DAC
Commissioner for Patents
Washington, D.C. 20231

Attn:
Charles Steven Brantley
Petitions Attorney
Office of Petitions
Office of Deputy Commissioner for Patent Examination Policy

Dear Sir:

In complete response to the Dismissal dated September 16, 2002, attached please find:

- ☒ Applicant hereby petitions a 3-month extension, extending the time for response to February 18, 2003 (the first business day after February 16, 2003); Please charge the \$465 extension fee to **Deposit Account No. 501288;**

- ☒ Substitute Combined Declaration and Power of Attorney;
- ☒ Request for Reconsideration of Petition Under 37 CFR 1.47(a);
- ☒ Declaration of Wen Liu In Support of Request for Reconsideration
- ☒ Copy of Declaration By Assignee Regarding Non-Cooperative Inventors; and
- ☒ Return Postcard
- ☒ The Petition Fee under 37 CFR 1.17(h) was paid by check for the previous but Dismissed Petition filed on July 15, 2002. If such fee is required to be paid again for the present request and petition, the Commissioner is hereby authorized to charge such petition fee and any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this transmittal and associated documents, or to credit any overpayment to **Deposit Account No. 501288.**

Respectfully submitted,

Dated: February 18, 2003

By: _____



Wen Liu
Registration No. (32,822)

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